

1 Amend 2 Cal. Code Regulations Section 18941 to read:

2 **§ 18941. Receipt, Promise, and Acceptance of Gifts a Gift.**

3 (a) Receipt or Acceptance of a Gift. Except as otherwise provided in ~~this section or in~~
4 ~~California Code of Regulation, Title 2, Section 18943~~ paragraph (a)(1), a gift is both “received”
5 ~~or~~ and “accepted” when the ~~recipient knows that he or she has either~~ official knowingly takes
6 actual possession of the gift or takes any action exercising direction or control over the gift.

7 (1) ~~In the case of a~~ A gift of a rebate or discount ~~which based on Government Code Section~~
8 ~~82028, would otherwise be a gift, the gift is~~ both “received” ~~or~~ and “accepted” when the ~~recipient~~
9 official knows that the rebate or discount given to the official is not made in the regular course of
10 business to members of the public without regard to official status.

11 (2) ~~Except for passes or tickets as set forth in California Code of Regulations, Title 2,~~
12 ~~Section 18946.1(a), discarding a gift does not negate receipt or acceptance of a gift.~~

13 (3) ~~Turning a gift over to another person does not negate receipt or acceptance of a gift.~~

14 (b) Disqualification: Promise of a Gift. For purposes of ~~Government Code~~ Sections
15 87100 and 87103~~(e)~~, a gift is “promised” ~~on the date an offer to give the gift is made if the~~
16 ~~recipient knows that a gift has been offered and ultimately~~ when it is offered to the official if he
17 or she thereafter obtains actual possession of the gift or takes any action exercising direction or

18 NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 86204,
19 87103, 87207 and 89501 through 87506, Government Code.